

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.

Case No. 1:07-cv-10632-BSJ-DCF

**NOTICE OF MOTION
TO ADMIT COUNSEL
MICHAEL J. SCHUIT
*PRO HAC VICE***

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G.

Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of

Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and

upon the declaration of Michael J. Schuit, as applicant for admission *pro hac vice*, and upon the

certification of good standing of the Supreme Court of New Jersey, the undersigned will move

this Court before the Honorable Barbara S. Jones, United States District Judge, at the United

States Courthouse for the Southern District of New York located at 500 Pearl Street, New York,

NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for

the Southern and Eastern Districts of New York, for an Order allowing the admission of said

Michael J. Schuit, Deputy Attorney General of the State of New Jersey and a member in good

standing of the Bar of the State of New Jersey, as attorney *pro hac vice* to argue or try this case in

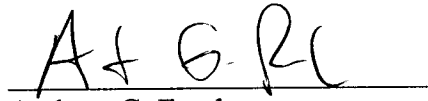
whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

MAY 22 2008

928-652134

FILED
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MAY 22 2008

Dated: New York, New York
May 22, 2008

A handwritten signature in black ink, appearing to read "A. G. Frank", written over a horizontal line.

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

(i) Michael J. Schuit is a member in good standing of the Bar of the State of New Jersey.

(ii) There are no pending disciplinary proceedings against Michael J. Schuit in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.

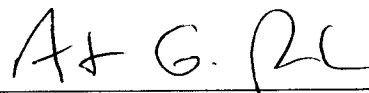
7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that Michael J. Schuit be admitted as counsel *pro hac vice* for plaintiff State of New Jersey in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
May 22, 2008



Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.
-----X

Case No. 1:07-cv-10632-BSJ-DCF

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel Michael J. Schuit *Pro Hac Vice* in this action, along with the two accompanying declarations and the proposed order granting the motion, by United States First Class Mail this 22nd day of May, 2008 on the following attorneys:

Counsel for Defendants

Sarah E. Light
Assistant United States Attorney
Office of the United States Attorney
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86 Chambers Street, 3rd Floor
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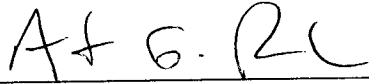
KELLY A. AYOTTE
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CHIEF COUNSEL, COMMONWEALTH
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Pennsylvania Department of Environmental
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Harrisburg, Pennsylvania 17105

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ATTORNEY GENERAL OF THE STATE
OF VERMONT

Kevin O. Leske
Assistant Attorney General
Vermont Office of Attorney General
109 State Street
Montpelier, Vermont 05609-1001

A handwritten signature in black ink, appearing to read "A. G. Frank", written over a horizontal line.

Andrew G. Frank

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STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
	:	
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
-----X		

4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of New Jersey in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 5/16/08

Michael J. Schuit
Michael J. Schuit

Supreme Court of New Jersey

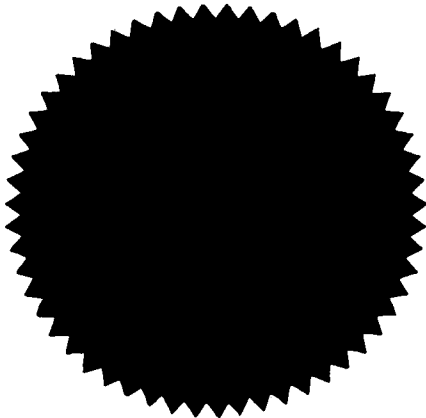


Certificate of Good Standing

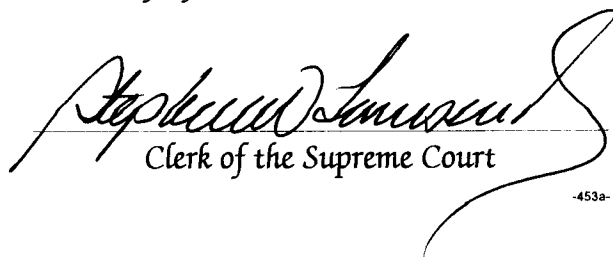
This is to certify that **MICHAEL J SCHUIT**
(No. **006071988**) was constituted and appointed an Attorney at Law of New
Jersey on **June 02, 1988** and, as such,
has been admitted to practice before the Supreme Court and all other courts of this State
as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in
Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing"
if the Court's records reflect that the attorney: 1) is current with all assessments
imposed as a part of the filing of the annual Attorney Registration Statement, including,
but not limited to, all obligations to the New Jersey Lawyers' Fund for Client
Protection; 2) is not suspended or disbarred from the practice of law; 3) has not
resigned from the Bar of this State; and 4) has not been transferred to Disability
Inactive status pursuant to Rule 1:20-12.

*Please note that this Certificate does not constitute confirmation of an attorney's
satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to
practice law in this State.*



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
8TH day of **May**, 20 **08**


Clerk of the Supreme Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
	:	
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**ORDER GRANTING MOTION TO
ADMIT MICHAEL J. SCHUIT AS COUNSEL *PRO HAC VICE***

UPON the motion of Andrew G. Frank made pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York to admit Michael J. Schuit, an attorney admitted to practice in the State of New Jersey, as counsel *pro hac vice* for plaintiff State of New Jersey in this action, and the Court having considered said motion, it is hereby

ORDERED that the motion is granted and that Michael J. Schuit is hereby admitted as counsel *pro hac vice* for plaintiff State of New Jersey in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is designated as local counsel.

Dated: New York, New York
this ____ day of _____, 2008.

THE HONORABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE